

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 21-69 are presently active in this case. The present Amendment cancels Claims 1-20; and adds Claims 21-69.

In the outstanding Office Action, Claims 1-4, 12-15 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tsuchida (Japanese Patent No. 3-59-109328A). Claims 1, 3, 4, 6 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hidekazu (Japanese Patent No. 61-032,735). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchida, in view of Kasugai (U.S. Patent No. 4,952,347).

However, Claims 5-9 and 16-19 were indicated as allowable if rewritten in independent form. Applicants acknowledge with appreciation the indication of allowable subject matter.

Initially, Applicants note that the documents listed on the Form 1449 filed December 22, 2000, have not been acknowledged as having been considered (the Form 1449, initialed by the Examiner, was not included in the outstanding Office Action). Because the outstanding rejections rely on two of these documents, these documents are believed to have been considered. However, in order to clarify the record, Applicants respectfully request that the documents listed on the Form 1449 be acknowledged as having been considered.

Claims 1-20 are canceled and new Claims 21-69 are added in order to better comply with U.S. claim drafting practice, and to vary the scope of protection recited in the claims. The new claims find support in the disclosure as originally filed and are not believed to raise a question of new matter.

New Claims 21-69 are believed to distinguish over the prior art, as discussed next. Briefly recapitulating, Applicants' invention relates to a process of manufacturing hollow bodies. In a preferred embodiment, these hollow bodies are capable of receiving a liquid, such as a fuel for a vehicle. Applicants' invention improves upon conventional methods in that it can provide an efficient way to produce sealed containers of various shapes for receiving liquids. In another preferred embodiment, objects, such as accessories, can be easily and rapidly inserted into the hollow body while reducing the risks of producing undesirable irregularities in the walls of the hollow body.¹ In that respect, Applicants' process can be used to efficiently produce reliable and safe fuel tanks that contain accessories inside (e.g., gauges, valves, pumps, etc...).

Turning to the new independent claims, Claim 21 is directed to a process of manufacturing a hollow body *for receiving a liquid* and recites a step of molding two portions so as to form the hollow body *for receiving the liquid*. Independent Claim 37 recites steps of extruding, cutting and molding *a multilayered parison comprising stacked layers* fastened to each other. Independent Claim 54 recites a process of manufacturing a *fuel tank*. The methods include a step of cutting through an extruded parison so as to form two portions separated by a cut. The two portions are molded to form the hollow body or the fuel tank.

The two Japanese documents (Tsuchida and Hidekazu), applied by the outstanding Office Action, do not teach or suggest the claimed methods. Both of these documents disclose methods of molding an insert to a *headrest*. They do not appear to disclose hollow bodies for receiving liquids, multilayered parisons, nor fuel tanks.

¹ See Applicants' specification at page 2, lines 12-18.

The outstanding Office Action also cites the Kasugai patent. This document, which was discussed in Applicants' specification,² describes a method of manufacturing a fuel tank. In this method, two separately extruded sheets are molded and welded together. The Kasugai patent does not teach or suggest a step of cutting through an extruded parison so as to form two portions separated by a cut.

Accordingly, none of the applied prior art, taken individually, teach or suggest the combinations of features recited in Applicants' independent Claims 21, 37, and 54.

Applicants respectfully submit that there is insufficient evidence for any motivation to modify the Kasugai method by incorporating the Tsuchida and Hidekazu teachings, for the following reasons.³

In rejecting cancelled Claim 11, the outstanding Office Action suggests that the proposed modification would have been obvious "in order to quickly and easily form a fuel tank with insert integrally bonded thereto."⁴ The record, however, fails to provide the required evidence of a motivation for a person of ordinary skill in the art to perform such modification. The Kasugai patent fails to suggest why a person of ordinary skill in the art would be motivated to form a different fuel tank to "quickly and easily form a fuel tank with insert integrally bonded thereto." In particular, the Kasugai patent states that the Kasugai method is already "simple and easy" and provides fuel tanks at reduced cost.⁵ The Kasugai

² See Applicants' specification from page 1, line 36 to page 2, line 11.

³ See MPEP 2143.01 stating "[o]bviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art," (citations omitted). See also MPEP 2144.08 III stating that "[e]xplicit findings on motivation or suggestion to select the claimed invention should also be articulated in order to support a 35 U.S.C. 103 ground of rejection. . . . Conclusory statements of similarity or motivation, without any articulated rational or evidentiary support, do not constitute sufficient factual findings."

⁴ See outstanding Office Action at page 3, lines 4-6.

⁵ See the Kasugai patent, for example, at column 1, lines 44-49.

patent does not suggest that a further improvement, or an additional feature, is needed to achieve its intended goal. In particular, the Kasugai patent does not suggest a step of cutting through an extruded parison would be desired.

Similarly, the Tsuchida and Hidekazu patents do not suggest applying their teachings to fuel tanks. They do not suggest that further improvements of fuel tanks are needed. Furthermore, the constraints for making headrests are very different than those for making fuel tanks. In particular, headrests need not provide a sealed container for a liquid. There is no suggestion that the Tsuchida and Hidekazu teachings would lead to a sealed tank capable of safely containing a fuel. In particular, the Tsuchida and Hidekazu mount parts that protrude outside the hollow headrest need not be secured to the headrest in a leak-tight manner. A person of ordinary skill in the art would not be motivated to turn to a method of manufacturing headrests in order to improve upon methods of manufacturing fuel tanks.

Therefore, the applied prior art documents do not provide the motivation to combine the references. In other words, an attempt to bring in the isolated teachings of Tsuchida and Hidekazu into the Kasugai method would amount to improperly picking and choosing features from different references without regard to the teachings of the references as a whole.⁶ While the required evidence of motivation to combine need not come from the applied references themselves, the evidence must come from *somewhere* within the record. In this case, there is nothing in the record supporting a modification of the Kasugai method.

Furthermore, such modification would require a substantial reconstruction or redesign of the elements of the Kasugai method, and/or would change the basic principle of operation

⁶ See In re Ehrreich 590 F2d 902, 200 USPQ 504 (CCPA, 1979) (stating that patentability must be addressed "in terms of what would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the sum of all the relevant teachings in the art, not in view of first one and then another of the isolated teachings in the art," and that one "must consider the entirety of the disclosure made by the references, and avoid combining them indiscriminately.")

of the Kasugai method. Absent improper hindsight reconstruction, there is no evidence that a person of ordinary skill in the art would be motivated to perform such changes and redesign.⁷

In addition, the combination of references fails to teach or suggest the features recited in Claims 23, 37-53 and 55, in particular the steps of extruding, cutting and molding a multilayered parison comprising stacked layers fastened to each other. The combination of references also fails to teach or suggest the features recited in the dependent claims, for example Claims 24, 30-34, 41, 47-51, 56, 57, and 63-67, which recite features similar to those recited in allowable Claims 5 and 6.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 21-69 is earnestly solicited.

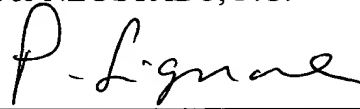
⁷ See In re Ratti, 270 F.2d 810, 813, 123 USPQ 349, 352 (reversing an obviousness rejection where the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.")

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Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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